

Panaji, 3rd September, 2004 (Bhadra 12, 1926)

SERIES I No. 23

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

Notification

7/20/2004-LA

The Goa Co-operative Societies (Amendment) Act, 2004 (Goa Act 22 of 2004), which has been passed by the Legislative Assembly of Goa on 12-7-2004 and assented to by the Governor of Goa on 31-8-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 3rd September, 2004.

The Goa Co-operative Societies (Amendment) Act, 2004

(Goa Act 22 of 2004) [31-8-2004]

AN

ACT

to amend the Goa Co-operative Societies
Act, 2001.

BE it enacted by the Legislative Assembly of
Goa in the Fifty-fifth Year of the Republic of India
as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Co-operative Societies (Amendment) Act, 2004.

(2) It shall come into force from the date of enforcement of the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001).

2. *Amendment of section 2.*— In section 2 of the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001) (hereinafter referred to as the "principal Act"),—

(i) after clause (2), the following clause shall be inserted, namely:—

"(2a) "apex co-operative bank" means a federal co-operative bank having jurisdiction over the whole of the State of Goa and recognized as such by the State Government for the purpose;"

(ii) after clause (22), the following clause shall be inserted, namely:—

"(22a) "general society" means a society not falling in any of the class of societies as defined in section 2 of the Act;"

(iii) In clause (29), for the words, figures and brackets "Multi State Co-operative Societies Act, 1984 (Central Act 51 of 1984)", the words, figures and brackets "Multi State Co-operative Societies Act, 2002 (Central Act 39 of 2002)" shall be substituted.

3. *Amendment of section 11.*— In section 11 of the principal Act,—

(i) in sub-section (1), after the words "forwarded to the Registrar", the words "alongwith the prescribed fee" shall be inserted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) An appeal against a decision to refuse to register amendment of the bye-laws of a society which has been communicated to the society under sub-section (2) shall lie before the Co-operative Tribunal within a period of 60 days from the date of communication of such decision."

4. *Insertion of new section 20A.*— After section 20 of the principal Act, the following new section 20A shall be inserted, namely:—

"20 A. *Liability of a co-operative bank to the Deposit Insurance and Credit Guarantee Corporation.*— Notwithstanding anything contained in section 15 or any other provision of this Act, where a co-operative bank, being an insured bank within the meaning of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), is amalgamated or re-organised and the Deposit Insurance and Credit Guarantee Corporation has become liable to pay to the depositors of the insured bank under sub-section (2) of section 16 of that Act, the bank with which such insured bank is amalgamated or the new co-operative bank formed after such amalgamation, or, as the case may be, the insured bank or the transferee bank, shall be under an obligation to repay to the Deposit Insurance and Credit Guarantee Corporation in the circumstances, to the extent and in the manner referred to in section 21 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961)."

5. *Insertion of new sections 92 A and 92 B.*— After section 92 of the principal Act, the following new sections 92 A and 92 B shall be inserted, namely:—

"92 A. *Winding up of co-operative bank at the direction of the Reserve Bank:*—

(i) Notwithstanding anything to the contrary contained else where in this Act, the Registrar shall make an order for the winding up of a co-operative bank, if so

required by the Reserve Bank in the circumstances mentioned in section 13D of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961).

92 B. *Reimbursement to the Deposit Insurance and Credit Guarantee Corporation by liquidator.*— Where a co-operative bank, being an insured bank within the meaning of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), is wound up and the Deposit Insurance and Credit Guarantee Corporation has become liable to the depositors of the insured bank under sub-section (1) of section 16 of that Act, the Deposit Insurance and Credit Guarantee Corporation shall be reimbursed by the liquidator or such other person in the circumstances, to the extent and in the manner provided in section 21 of that Act."

6. *Amendment of section 93.*— In section 93 of the principal Act,—

(i) for sub-section (1), the following shall be substituted, namely:—

"(1) When an interim order or a final order is passed under section 92 or an order is passed under section 92A, as the case may be, for the winding up of a society, the Registrar may, in accordance with the rules, appoint a person to be the liquidator of the society, and fix his remuneration;"

(ii) in sub-section (2), for the expression "On issue of the interim order," the expression "On issue of the interim order under section 92 or on the issue of an order under section 92 A, as the case may be," shall be substituted;

(iii) in sub-section (3), for the expression "When a final order is passed confirming the interim order," the expression "When a final order is passed confirming the interim order under section 92 or an order is passed under section 92 A, as the case may be," shall be substituted.

7. *Insertion of new section.*— After section 94 of the principal Act, the following new section 94A shall be inserted, namely:—

"94A. *No appeal in certain cases.*— Notwithstanding anything contained in this Act, where, with the previous sanction in

writing of, or on requisition by the Reserve Bank, a co-operative bank:—

(a) is being wound up; or

(b) in respect of which a scheme of amalgamation or re-organization is given effect to,

no appeal there against shall lie or be permissible, and the sanction or requisition of the Reserve Bank shall not be liable to be called in question".

8. *Amendment of section 96.*— In section 96 of the principal Act, for the expression "or where the appeal has been dismissed, ", the expression "or where the appeal has been dismissed or where an order has been passed under section 92A," shall be substituted.

9. *Amendment of section 99.*— In section 99 of the principal Act, for the expression "under sub-section (2) of section 92," the expression "under sub-section (2) of section 92 or from the date of the order under section 92A, as the case may be," shall be substituted.

10. *Amendment of section 107.*— In sub-section (1) of section 107 of the principal Act, for the words "may give its consent", the expression "may, subject to payment of prescribed non-occupancy fees to the society, give its consent" shall be substituted.

Secretariat Annexe,
Panaji-Goa.

L. S. SHETTY,
Secretary to the Govt. of Goa,
Law, Judiciary and Legislative
Affairs Department.

Dated: 3rd September, 2004.

Department of Panchayati Raj and Community
Development

Directorate of Panchayats

Notification

26/88/DP/Pan/GIDC/04/3443

Scheme to provide Grants-in-Aid to the Village
Panchayat falling in Industrial Estate.

1. This Scheme may be called the Goa Panchayats (Grants-in-Aid) to the Village Panchayats falling in Industrial Estate as notified by the Government from time to time.

2. In this Scheme unless the context otherwise required,—

(a) "Corporation" means the Goa Industrial Development Corporation established under the Goa, Daman & Diu Industrial Development Act, 1965 (Act No. 22 of 1965).

(b) "Director" means the Director of Panchayats appointed under the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994).

(c) "Government" means the Government of Goa.

(d) "Industrial Estate" means the Industrial Estate declared by the Government under the Goa, Daman & Diu Industrial Development Act, 1965 (Act No. 22 of 1965).

(c) "Village Panchayat" means the Village Panchayat within whose jurisdiction the Industrial Estates are situated.

3. The Village Panchayat shall submit to the Corporation a statement in respect of the taxes and fees and other dues payable by each unit per annum.

4. The Village Panchayat shall be at liberty to recover all the arrears of taxes, fees and other dues from Industrial units pending as on 20-2-2001.

5. The Corporation shall recover the annual taxes, fees and other dues and also the permission fees from the respective units as per the statement furnished by the Village Panchayats.

6. The Corporation shall levy the fees, taxes and other dues in terms of the Goa Panchayat Raj (Imposition of taxes, fees and other dues) Rules, 1998 in respect of the new buildings.

7. The Corporation shall furnish to the Director in the month of June and October every year a statement showing all the taxes, fees and other dues due and collected by the Corporation.

8. The amount collected by the Corporation shall be deposited in the Government Treasury under the Budget Head "0851—Village and Small Industries 101—Industrial Estates 02—Collection of House tax from the Occupants in the Industrial Estates as per Notification No. 15/14/92-IND dated 17-6-2003 from the Under Secretary (Industries).

9. The Director shall furnish the statement received from the Corporation to the Director of Industries, Trade and Commerce showing therein the amount payable to the Village Panchayat.

10. The Director of Industries, Trade and Commerce shall sanction 95% of the fees collected by the Corporation to the Village Panchayat and place the amount at the disposal of each Block Development Officer and authorize them to countersign the bills. The Director Industries, Trade and Commerce shall sanction 90% of the taxes and other dues collected by the Corporation to the Village Panchayat and authorize the Block Development Officer to countersign the bills.

11. The Director of Industries, Trade and Commerce shall sanction the balance amount of 5% towards the fees collected and 10% towards the taxes collected to the Corporation being administrative expenses.

12. The Block Development Officer shall countersign the bills of the respective Village Panchayat and submit the same to the Directorate of Accounts for payment.

13. The Director of Industries, Trade and Commerce shall make the adequate provisions in the budget estimates towards the release of

Grants-in-Aid to the Village Panchayats under this Scheme.

14. In the event, the Corporation fails to recover 100% of the amount due to the Village Panchayat, the balance if any, shall be paid to the Village Panchayat in subsequent years in terms of this Scheme.

15. This Scheme shall remain valid for a period of 5 years w.e.f. 2001-2005.

16. Provided that the Government may extend the validity of the Scheme beyond the period of 5 years for such period as may be notified by the Government from time to time.

17. The Grants-in-Aid under this Scheme may be sanctioned to the Village Panchayat in two installments in the month of July and November.

This Scheme is issued with the concurrence of the Finance Department No. 2157 dated 26-8-2004.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & ex officio Joint Secretary.

Panaji, 31st August, 2004.